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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,712	12/24/2003	Lev Alexander Prociw	2993-500US RM/bs	8327
32292	7590	11/03/2005		
OGILVY RENAULT LLP (PWC) 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A 2Y3 CANADA			EXAMINER KIM, TAE JUN	
			ART UNIT 3746	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/743,712	PROCIW, LEV ALEXANDER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ted Kim	3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.  
     4a) Of the above claim(s) 20-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/24/03 05/27/05</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 20-33 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/07/2005.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7, 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Blakely et al (3,337,135). Blakely et al teach a fuel distributor for a fuel nozzle in a gas turbine engine, the fuel distributor comprising: a pair of concentric tubular bodies 32, 12, each having an inlet end and a outlet end, the pair of concentric tubular bodies including an inner body 12 and an outer body 32 having respectively an outer body inner surface and an inner body outer surface adapted to be in sealing contact one with the other; at least two helical fuel channels 42, 44 adapted to deliver fuel and defined in at least one of the inner and outer surfaces, each helical fuel channel being in fluid communication with a fuel inlet located at the inlet end; and a channel exit port for each helical fuel channel, the channel exit ports being located at the outlet end; wherein the fuel nozzle provides a swirl to the fuel delivered through the helical fuel channels and exiting through the

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channel exit ports; wherein the helical fuel channels are defined in the outer surface and the inner surface is an uninterrupted wall; wherein the outer body and the inner body appear press fit/shrink fit together [alternately this is a product by process claim where the process steps are given little patentable weight]; wherein the inner tubular body further comprises an inner cylindrical passage adapted to deliver air from the inlet end to the outlet end. A fuel distributor for providing a fuel film within a combustion chamber of a combustor in a gas turbine engine, the fuel distributor comprising: fuel inlet means for receiving the fuel; fuel outlet means including a fuel filming means 26; and at least two spiral conduit means 42, 44 for delivering the fuel, the spiral conduit means being in fluid communication with the fuel inlet means and the fuel outlet means; wherein the fuel distributor provides a swirl to the fuel exiting the fuel outlet means; wherein the spiral conduit means are provided by the cooperation of first and second cylindrical surfaces defined by first and second concentric bodies respectively, the first cylindrical surface including spiral groove means and the second cylindrical surface being a continuous wall; wherein the first body is shrink-fitted into the second body such that the first and second cylindrical surfaces are in sealing contact; wherein at least one of the first and second body further comprises passage means 14 for delivering air to the combustion chamber.

4. Claims 1-8, 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Farago et al (5,067,655). Farago et al teach a fuel distributor [for a fuel nozzle in a gas turbine engine is intended use], the fuel distributor comprising: a pair of concentric tubular bodies 24, 10, each having an inlet end and a outlet end, the pair of concentric

tubular bodies including an inner body 24, and an outer body 10 having respectively an outer body inner surface and an inner body outer surface adapted to be in sealing contact one with the other; at least two helical fuel 42 channels adapted to deliver fuel and defined in at least one of the inner and outer surfaces, each helical fuel channel being in fluid communication with a fuel inlet located at the inlet end; and a channel exit port for each helical fuel channel, the channel exit ports being located at the outlet end; wherein the fuel nozzle provides a swirl to the fuel delivered through the helical fuel channels and exiting through the channel exit ports; wherein the helical fuel channels are defined in the outer surface and the inner surface is an uninterrupted wall; wherein the outlet end of at least the outer surface is frusto-conical and the channel exit ports are defined by the intersection of the helical fuel channels with the outer surface at the outlet end; wherein the outer body and the inner body appear press fit/shrink fit together [alternately this is a product by process claim where the process steps are given little patentable weight]; wherein the inner and outer bodies define an annular swirl chamber at the outlet end with the frusto-conical surface forming one wall of the swirl chamber, and an annular filming lip near 106 is provided on the inner surface at the outlet end to define an annular exit slot for forming the fuel into a conical film; wherein the inner tubular body further comprises an inner cylindrical passage adapted to deliver air from the inlet end to the outlet end; wherein the outer body includes an annular disc having air swirl apertures. A fuel distributor [for providing a fuel film within a combustion chamber of a combustor in a gas turbine engine is intended use], the fuel distributor comprising: fuel inlet means for

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receiving the fuel; fuel outlet means including a fuel filming means; and at least two spiral conduit means 42 for delivering the fuel, the spiral conduit means being in fluid communication with the fuel inlet means and the fuel outlet means; wherein the fuel distributor provides a swirl to the fuel exiting the fuel outlet means; wherein the spiral conduit means are provided by the cooperation of first and second cylindrical surfaces defined by first and second concentric bodies respectively, the first cylindrical surface including spiral groove means and the second cylindrical surface being a continuous wall; wherein the first body is shrink-fitted into the second body such that the first and second cylindrical surfaces are in sealing contact; wherein at least one of the first and second body further comprises passage means for delivering air to the combustion chamber; wherein at least one channel has a depth varying along the length of the channel; wherein the depth is varied in a continuous manner; wherein the varying depth provides flow-balancing for the fuel nozzle in order to tune a flow resistance thereof. Note that the distributor of Farago et al is a generic atomizer for liquid and is inherently capable of being used with fuel.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Lemon et al (5,423,173) in view of Blakely et al (3,337,135) and optionally Farago et al (5,067,655). Lemon et al teach a gas turbine fuel distributor with air swirler 114, central air passage 68 and a fuel distributor formed by concentric tubular inner 66 and outer 56 bodies. Lemon et al further teach metering orifices 94 for metering the fuel. Blakely et al teach reduced clogging, reduced pressure losses for helical flow channels (col. 1, lines 67+ and col. 3, lines 39+). It would have been obvious to one of ordinary skill in the art to employ the helical flow channels, as taught by Blakely et al, in order to reduce clogging of the orifices and/or reduce the pressure losses. As for the number and depth of passages, Farago et al teach a number of 3 or more and using a variable depth. It would have been obvious to one of ordinary skill in the art to employ a number of 3 or more and to use variable depth in order to use the workable ranges in the art.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostka (6,247,317) in view of Blakely et al (3,337,135) and optionally Farago et al (5,067,655). Kostka teaches a gas turbine fuel distributor with air swirler 62, and a fuel distributor formed by concentric tubular inner e.g. 51 and outer bodies where helical passages are disclosed (col. 3, lines 33+). Blakely et al teach reduced clogging, reduced pressure losses for helical flow channels (col. 1, lines 67+ and col. 3, lines 39+). It would have been obvious to one of ordinary skill in the art to employ the helical flow channels, as taught by Blakely et al, in order to reduce clogging of the orifices and/or reduce the pressure losses. As for the number and depth of passages, Farago et al teach a number of

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3 or more and using a variable depth. It would have been obvious to one of ordinary skill in the art to employ a number of 3 or more and to use variable depth in order to use the workable ranges in the art.

8. Claims 1-7, 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farago et al (5,067,655) in view of Blakely (3,337,135). Farago et al as applied above teach an atomizer with reduced whirl losses (col. 1, lines 43+) but do not teach the use of fuel or a gas turbine combustor. Blakely et al teach it is old and well known in the art to employ helical swirl devices for atomizing the fuel of a gas turbine combustor. It would have been obvious to one of ordinary skill in the art to employ the helical swirl atomizer of Farago et al, in a gas turbine combustor, as a well known device requiring low loss atomization.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 571-272-4829. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are


571-273-8300 for Regular faxes and 571-273-8300 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe, can be reached at 571-272-4444.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861. General inquiries can also be directed to the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at <http://www.uspto.gov/main/patents.htm>

	
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